

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION**

In re

CIRCUIT CITY STORES, INC., et al.,

Debtors.

Chapter 11

Case No. 08-35653 (KRH)

Jointly Administered

**RESPONSE OF ALEXANDER H. BOBINSKI AS TRUSTEE
UNDER TRUST NO. 1001 TO LIQUIDATING TRUST'S
THIRTY-NINTH OMNIBUS OBJECTION TO LANDLORD CLAIMS
(REDUCTION OF CERTAIN INVALID CLAIMS-MITIGATION)
(Claim No. 12498)**

Alexander H. Bobinski as Trustee Under Trust No. 1001 ("Bobinski") hereby files his response (the "Response") to the Liquidating Trust's Thirty-Ninth Objection to Landlord Claims (the "Objection"). In the Objection, the Liquidating Trust asserts that Bobinski's Claim No. 12498 (the "Claim") filed in the amount of \$743,944.58 should be reduced and allowed in the sum of \$97,772.81. Bobinski opposes the relief sought by the Liquidating Trust in the Objection, and Bobinski asks that the Claim be allowed in the full amount in which it was filed. In support of its Response, Bobinski states the following:

1. The Liquidating Trust's Objection asserts that the Claim should be reduced subject to modification upon timely receipt of mitigation information.
2. The Claim should not be reduced as Bobinski was unable to mitigate the damages sought in his Claim. Bobinski was not able to find a new tenant for the location (450 E. Merritt

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Counsel for Alexander H. Bobinski as Trustee
Under Trust No. 1001

Island Causeway, Merritt Island, Florida 32952-3503, also known as store number 3289 (the “Location”)) that was rejected by Circuit City pursuant to Bankruptcy Code Section 365(d)(2) and procedures approved by this Court. The rejection was effective March 10, 2009 (the “Rejection”).

3. Since the date of the Rejection, Bobinski attempted to market the Location for rent or for sale. The lender for the Location foreclosed in March of 2011. After the foreclosure there was a deficiency balance.

4. The party with authority to discuss mitigation issues and the facts stated in this Response is the following:

Alexander Bobinski
1351 North Courtenay Parkway, Suite AA
Merritt Island, Florida 32953
Telephone: (321) 452-4552
alexbobinski@honeymoonhill.com

WHEREFORE, Alexander H. Bobinski as Trustee Under Trust No. 1001 requests that the Court deny the Liquidating Trust’s Objection to his Claim No. 12498 and that claim be allowed by Court order in the amount of \$743,944.58.

Dated: June 12, 2012

CHRISTIAN & BARTON, LLP

/s/ Jennifer M. McLemore

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***Counsel for Alexander H. Bobinski as Trustee
Under Trust No. 1001***

CERTIFICATE OF SERVICE

I, Jennifer M. McLemore, hereby certify that on the 12th day of June, 2012, a true and correct copy of the foregoing Response of Alexander H. Bobinski as Trustee Under Trust No. 1001 to Liquidating Trust's Thirty-Ninth Omnibus Objection to Landlord Claims (Reduction of Certain Invalid Claims-Mitigation) (Claim No. 12498) has been served electronically using the ECF system on all registered users of the CM/ECF system who have filed notices of appearance in this matter.

/s/ Jennifer M. McLemore

Jennifer M. McLemore

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